

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK CLAYTON,

Petitioner,

Civil Action No. 08-CV-12986

vs.

HON. BERNARD A. FRIEDMAN

BLAINE LAFLEER,

Respondent.

**ORDER TRANSFERRING PETITIONER'S RULE 60(b)(6) MOTION
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

This matter is presently before the Court on petitioner's "motion for relief from judgment pursuant to Fed. R. Civ. Pro Rule 60(b)(6) fraud upon the court" [docket entry 25]. This motion appears to be a second or successive petition for a writ of habeas corpus. The Court denied petitioner's first application for the writ in an opinion and order dated September 17, 2009 [docket entry 15]. On September 13, 2010, petitioner filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) [docket entry 22], which the Court transferred to the United States Court of Appeals for the Sixth Circuit pursuant to *In re Sims*, 111 F.3d 45, 47 (6th Cir.1997) [docket entry 23]. The instant motion, in which petitioner again challenges his state conviction and seeks release from prison, appears to be another second or successive habeas petition, and it may not proceed without authorization from the court of appeals. *See* 28 U.S.C. § 2244(b)(3)(A). Accordingly,

IT IS ORDERED that petitioner's motion for relief from judgment [docket entry 25] is hereby transferred to the United States Court of Appeals for the Sixth Circuit pursuant to *In re Sims*, 111 F.3d 45, 47 (6th Cir.1997).

Dated: May 24, 2013
Detroit, Michigan

_____/s/ Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE